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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,146	03/30/2004	Ulrich Bruening	09246-US	5429

7590 09/21/2004

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Patent Department
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EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,146

Applicant(s)

BRUENING ET AL.

35

Examiner

Alicia M Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claim 4 is objected to because of the following informalities: Claim 4 is unclear.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-10 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Lippl.

Lippl discloses a machine (7) for mowing stalk-like crop including: several intake and mowing arrangements (13) arranged in side-by-side relationship to each other for cutting and conveying the harvested crop, a transverse conveying channel (25, 28) provided at a rear side of said intake and mowing arrangements (13) through which harvested crop can be transported at least approximately transverse to the direction of operation, an intake channel (27) arranged at a downstream end of the transverse conveying channel (25, 28) through which the harvested crop can be delivered to a chopper arrangement (1), and at least one driven conveying arrangement (19) arranged outside the transverse conveying channel (25, 28), in order to remove a jam if necessary that was caused by harvested crop that emerged from the transverse conveying channel (25, 28), the improvement comprising: said conveying arrangement (19) being mounted for rotation about an approximately vertical axis (see Figure 1), as per claim 1; and

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wherein said at least one of said intake and mowing arrangements (13) is located in the vicinity of and ahead of said intake channel (25, 28); and said at least one conveying (19) arrangement being arranged above said at least one of said intake and mowing arrangements (13), as per claim 2; and

wherein at least two of said intake and mowing arrangements (13) are located in the vicinity of, and ahead of, said intake channel (25, 28); and at least two conveying arrangements (19) being respectively arranged above said at least two intake and mowing arrangements (13), as per claim 3; and

wherein said at least one conveying arrangement (19) includes a conveyor disk (the top plate of shaft 13, see Figure 2 and column 3, lines 25-30), as per claim 6; and

wherein said at least one conveying arrangement (19) includes a conveyor drum, as per claim 7; and

wherein said at least one conveying arrangement (19) includes a conveyor drum located in coaxial relationship to said conveyor disk (top of drum 13), as per claim 8; and

wherein said conveyor disk (top of drum 13) is equipped with drivers (16, 17), as per claim 9; and

wherein said conveyor drum (19) is equipped with drivers (20), as per claim 10; and

wherein said at least one conveying arrangement (19) is coupled so as to be driven with said at least one intake and mowing arrangement (13), as per claim 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippl in view of Wuebbels et al. '378, hereafter Wuebbels.

The device is disclosed as applied above. Lippl further discloses wherein at least two conveying arrangements (19) are arranged on locations respectively above said at least two intake and mowing arrangements (13), as per claim 5.

However, Lippl fails to disclose wherein a plate-shaped center table is located above said at least one conveying arrangement being arranged on said plate-shaped center table, as per claim 4; and

wherein a plate-shaped center table is located above said at least two intake and mowing arrangements; and said at least two conveying arrangements being arranged on said center table at locations respectively above said at least two intake and mowing arrangements, as per claim 5.

Wuebbels discloses a similar harvester wherein a plate-shaped center table (30) is located above said at least one conveying arrangement being arranged on said plate-shaped center table, as per claim 4; and

wherein a plate-shaped center table (30) is located above said at least two intake and mowing arrangements (14), as per claim 5.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the center table of Wuebbels on the device of Lippl in order to catch misguided crop.

Allowable Subject Matter

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mathews, Baker, Arnold, and Wassermaier have been cited as of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

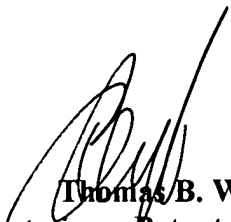
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.

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Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT

September 16, 2004